

9 FAM Appendix G, 300 CLEARANCES BETWEEN FOREIGN SERVICE POSTS

(TL:VISA-400 04-24-2002)

9 FAM 301 REQUESTING CLEARANCES FROM OTHER POSTS

(TL:VISA-400; 04-24-2002)

a. For examples of telegraphic formats for post-to-post clearance messages, see 9 FAM Appendix E, 303.

b. Clearances from one Foreign Service post to another are normally requested by means of "VISAS ALPHA" telegrams. When speed is not an issue, posts may request clearances by sending Form OF-166, "Request for Clearance and/or Visa File or Transfer of Visa File", to the clearing consular office. A completed Form *DS-230, Application for Immigrant Visa And Alien Registration* should be attached to Form OF-166 when the applicant is 16 years of age or older.

9 FAM 301.1 General Clearance Criteria

(TL:VISA-272; 05-09-2001)

a. A clearance from another Foreign Service post is required whenever an applicant is entered in CLASS under a code indicating that the post has denied the applicant a visa (other than under INA 221(g) or 214(b)), or has derogatory information on file regarding him or her. A clearance should also be requested when a consular officer otherwise has reason to believe that the other post may have information affecting the applicant's visa eligibility. Consular officers should request clearances from other posts for nonimmigrant visa applicants only if the applicant appears qualified for a visa in all other respects.

b. Consular officers should not routinely request clearances from another post when the previous finding of ineligibility was under INA 214(b) or 221(g). If the alien was refused a visa by his or her home consular post under sec. 214(b) or 221(g), there is little likelihood that the refusal could be overcome at an out-of-district post. Conversely, if the alien was refused under one of these grounds by an out-of-district post and is subsequently found to be eligible by the home consular post, any previous refusal data would probably be meaningless. In most such cases, the consular officer should make a decision based on the facts available at the time of application.

9 FAM 301.2 Clearing "Out-Of District" Cases with Other Posts

(TL:VISA-272; 05-09-2001)

Posts need not routinely clear visa applicants who are applying outside their places of residence (i.e., "out-of-district" cases) with the applicant's home post if both the adjudicating post and the home post are on-line with CLASS and no "hit" occurs during the CLASS check. If either post is not on-line, however, the responsible consular officer should normally request a clearance from the applicant's home post, especially in the case of an immigrant applicant who has recently resided in another consular district. While such clearances of out-of-district applicants are discretionary, consular officers should request them if any doubts about the applicant exist, given the serious and increasing threats of visa fraud and international terrorism.

9 FAM 302 CLEARING "OUT-OF DISTRICT" CASES WITH DEPARTMENT IN THE EVENT OF A CLASS OUTAGE

(TL:VISA-272; 05-09-2001)

On rare occasions, a post may find itself temporarily without access to CLASS. In urgent cases, posts may ask CA/VO/F/S to conduct CLASS clearances on their out-of-district applicants and are encouraged to do so, particularly if:

- (1) The United States does not maintain a consular post in the applicant's country of residence;
- (2) The applicant has more than one place of residence; or
- (3) His or her actual place of residence is uncertain.

Depending on the urgency, posts may fax, telephone, e-mail, or send a telegram to CA/VO/F/S.

9 FAM 303 RESPONDING TO CLEARANCE REQUESTS FROM OTHER POSTS

(TL:VISA-272; 05-09-2001)

Clearance requests from another consular post should be handled as thoroughly, efficiently, and expeditiously as if the alien were applying at the clearing post. Replies to clearance requests must contain all information available to the clearing post which might assist the consular officer at the requesting post to determine the applicant's eligibility to receive a visa.

9 FAM 304 RESPONSE PROCEDURES

(TL:VISA-400; 04-24-2002)

Telegraphic requests for clearances must be answered telegraphically, using the appropriate code indicator shown in 9 FAM Appendix E, 303. When Form OF-166, *Request for Clearance and/or Visa File or Transfer of Visa File* is used, the relevant box must be marked to show the results of the clearance checks.